

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

ARTURO LOPEZ VILLALOBOS)	
)	
Plaintiff,)	
)	
vs.)	CASE NO.: 1:22-cv-263
)	
ABDIKADIR MOHAMED and)	
MOON LINE LLC,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant, Moon Line LLC (“Moon Line”), by counsel, hereby files this Notice of Removal to remove the above-captioned case from the Allen County Superior Court to the United States District Court for the Northern District of Indiana pursuant to 28 U.S.C. §§ 1441 & 1446. Removing party, Moon Line, appearing solely for the purpose of this removal, and for no other purpose, and preserving all other defenses available to it, states as follows:

VENUE

1. On July 5, 2022, Plaintiff, Arturo Lopez Villalobos (“Plaintiff”), filed his Complaint for Damages (the “Complaint”) in Allen County Superior Court, Indiana, under Cause Number 02D02-2207-CT-000312 (the “State Court Action”).

2. Removal of the State Court Action to the Northern District of Indiana, Fort Wayne Division, is proper under 28 U.S.C. § 1441(a), because the Northern District of Indiana, Fort Wayne Division, embraces Allen County, Indiana, where the State Court Action is pending.

REMOVAL IS TIMELY

3. On July 13, 2022, Moon Line was served by certified mail with a Summons and Complaint in this matter via a registered agent for service of process in Indiana. This Notice of

Removal is filed within thirty (30) days of receipt of the Summons and Complaint. Therefore, this removal is timely under 28 U.S.C. § 1446(b).

4. Service of process has not been perfected upon Defendant, Abdikadir Mohamed (“Mohamed”).

5. Therefore, Moon Line’s Notice of Removal is timely under 28 U.S.C. § 1446(b)(1).

STATE COURT PROCEEDINGS

6. On August 5, 2022, Barath S. Raman and Alexandra P. Wright of the law firm Lewis Wagner, LLP entered their appearance on behalf of Moon Line.

7. On August 5, 2022, Moon Line filed its Motion for Enlargement of Time up to and including September 5, 2022, to respond to Plaintiff’s Complaint.

8. On August 8, 2022, the Allen County Superior Court granted Moon Line’s Motion for Enlargement of Time.

9. There have been no other proceedings in the State Court Action and Moon Line asserts there are not state court motions that remain pending at the time of this Notice of Removal.

DIVERSITY JURISDICTION EXISTS

10. Under 28 U.S.C. § 1332(a), this Court has original jurisdiction over the State Court Action because Plaintiff and Defendants are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

11. Plaintiff, Arturo Lopez Villalobos is a resident and citizen of Indiana.

12. Because limited liability companies are citizens of every state of which any member is a citizen, a proper jurisdictional statement must identify the citizenship of each of a limited liability company’s members, and if those members have members, the citizenship of those members as well. *Belleville Catering v. Champaign Marketplace, LLC.*, 350 F.2d 691, 692 (7th

Cir. 2003); *Thomas v. Guardsmark, LLC*, 487 F/3d 531, 534 (7th Cir. 2007). To properly identify the citizenship of a corporation, the jurisdiction statement must set out both the state of its incorporation and the state in which its principal place of business is located. *See* 28 U.S.C. § 1332 (c)(1).

13. Defendant, Moon Line LLC is organized under the laws of the State of Ohio with its principal place of business in the State of Ohio. Moon Line has the following Member/Shareholder:

Members/Shareholders	Domiciled Citizenship	City of Residency
Ali Ali	Ohio	Columbus, Ohio

14. Defendant, Abdikadir Mohamed is a resident and citizen of Minnesota.

15. There is complete diversity of citizenship between the parties named in this case.

16. Plaintiff is seeking compensation for personal injuries and damages he claims are the result of a collision that occurred on February 19, 2022, between Plaintiff and Defendant Mohamed. At the time of the collision, Plaintiff was riding a bicycle, and Mohamed was operating a tractor semi-truck.

17. The Complaint does not demand a specific sum of monetary damages, as the State of Indiana does not permit a demand for a specific sum or permit recovery of damages in excess of the amount demanded. Therefore, this Notice of Removal states that the monetary value of the amount in controversy exceeds \$75,000, exclusive of interest and costs, based upon the following:

- a. Plaintiff contends he sustained permanent physical injuries, medical expenses, lost wages, and other damages as a result of the incident forming the basis of his Complaint.

- b. Plaintiff's claimed physical injuries include, but are not limited to, a head injury with loss of consciousness, and traumatic injury to Plaintiff's left and right lower extremities. In addition to these injuries, Plaintiff claims numerous additional injuries that he alleges he has incurred medical expenses for.
- c. Plaintiff further contends that he has suffered physical and mental pain, property damage, and has lost the ability to perform usual activities, resulting in a diminished quality of life.

18. Based upon the injuries and damages alleged, Plaintiff seeks recovery in excess of \$75,000 exclusive of interest and costs, the value to Plaintiff of the relief sought in the Complaint exceeds \$75,000 exclusive of interest and costs, and/or the amount in controversy exceeds \$75,000 exclusive of interest and costs.

19. Therefore, this State Court Action is properly removed to this Court in accordance with 28 U.S.C. §§ 1441 and 1446 because: (1) this action is a civil action pending within the jurisdiction of the United States District Court for the Northern District of Indiana, Fort Wayne Division; (2) this action is between citizens of different States; (3) the amount in controversy exceeds \$75,000 exclusive of interest and costs.

STATUTORY REQUIREMENTS

20. Pursuant to 28 U.S.C. § 1446(a), a copy of the entire state court file is attached as Exhibit A, and includes all pleadings served or filed in this action as of the date of this Notice of Removal. *See* Exhibit A generally.

21. Under 28 U.S.C. § 1446(d), Moon Line will file a copy of this Notice of Removal with the Allen County Superior Court, Indiana, and Moon Line will serve Plaintiff and Defendant Abdikadir Mohamed with both this Notice of Removal and the Notice of Filing Notice of Removal.

22. The Civil Cover Sheet is being attached to this Notice of Removal. *See* Exhibit B.

23. If any questions arise as to the propriety of the removal action, Moon Line requests the opportunity to brief any disputed issues and to present oral argument in support of its position that this case is properly removable.

WHEREFORE, removing party Moon Line LLC, by counsel, respectfully requests that the above-entitled action be removed from the Allen County Superior Court to the United States District for the Northern District of Indiana, Fort Wayne Division.

LEWIS WAGNER LLP

By: /s/ Barath S. Raman

BARATH S. RAMAN, #32116-49
ALEXANDRA P. WRIGHT, #37009-12
Counsel for Defendant Moon Line LLC

CERTIFICATE OF SERVICE

On August 10, 2022, a copy of the foregoing was served on the following parties electronically by using the Court's electronic filing system, electronic mail, or U.S. Postal Service, pre-paid delivery for those parties not yet registered:

Nathan D. Foushee
KEN NUNN LAW OFFICE
104 South Franklin Road
Bloomington, IN 47404
Counsel for Plaintiff

/s/ Barath S. Raman

BARATH S. RAMAN

LEWIS WAGNER, LLP
1411 Roosevelt Avenue, Suite 102
Indianapolis, IN 46201
Telephone: (317) 237-0500
Facsimile: (317) 630-2790
braman@lewiswagner.com
awright@lewiswagner.com